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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,648	09/26/2003	Jeyhan Karaoguz	15032US02	8226

23446 7590 10/02/2008

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EXAMINER	
BATES, KEVIN T	

ART UNIT	PAPER NUMBER
2153	

MAIL DATE	DELIVERY MODE
10/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/672,648	KARAOGUZ ET AL.	
	Examiner	Art Unit	
	KEVIN BATES	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14 and 36-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14 and 36-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

This Office Action is in response to a communication made on September 12, 2008.

Claims 1-2, 5-8, 37, and 39-43 have been amended.

Claims 1-14 and 36-49 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-10, 12-14, 36, 38-45, and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (2005/0028208).

Regarding claims 1 and 36, Ellis teaches a method to indirectly control at least one media peripheral via a communication network, the method comprising:

identifying by a first system comprising a television, at a first location, the at least one media peripheral communicatively coupled to a second system, at a second location, wherein the first and second locations are separate and distinct from one another (¶71, 74, the first system is the remote program access device and the second system is the user television equipment);

automatically establishing a communication link between the first system comprising the television (¶92, where a CRT monitor can be considered a television;

Ellis further later details that a user television/set-top-box can be used as the device to remotely control a program guide, see ¶204; 217-218); and the at least one media peripheral (¶71; 86; 103-104);

selecting, using the television at the first location, an operation of the at least one media peripheral (¶107);

requesting performance of the selected operation on the at least one media peripheral using the television at the first location (¶110);

creating a user-defined schedule of media using the television at the first location (¶99-100); and

pushing the media to the at least one media peripheral at the second location according the user-defined schedule of media (¶99-100).

Ellis does not explicitly indicate automatically determining authorization of the performance of the selected operation;

performing the selected operation on the at least one media peripheral if the authorization is successful; and

not performing the selected operation on the at least one media peripheral if the authorization is not successful.

The examiner takes "**official notice**" that when remotely connecting to user equipment it would be obvious to authenticate or authorize a user request before perform that operation at the connected to system. One would do so to protect the system against malicious or other harmful commands from being performed by un-trusted users of the network. *See* MPEP §2144.03.

Regarding claims 3 and 38, Ellis teaches the method of claims 1 and 36; wherein the at least one media peripheral comprises a processor running at least one of media capture software and media player software (¶100, the VCR).

Regarding claims 4 and 39, Ellis teaches the method of claims 1 and 36 wherein the communication link is established via a wired or a wireless connection (¶76).

Regarding claims 5 and 40, Ellis teaches the method of claims 1 and 36; wherein the operation comprises one of: powering said media peripheral on or off; scanning said media peripheral in angle about at least one axis of rotation; transferring stored media from the media peripheral to the first system; transferring stored media from the first system to the media peripheral; transferring software from the first system to the media peripheral; transferring status information from the media peripheral to the first system; initiating a test of the media peripheral; initiating a trick mode of the media peripheral; determining whether the media peripheral is within communication range of the second system; putting the media peripheral into a sleep state; and changing a parameter of the media peripheral (¶101).

Regarding claims 6 and 41, Ellis teaches the method of claims 1 and 36, wherein at least one of the first system and the second system comprises a set-top-box based media processing system (¶82).

Regarding claims 7 and 42, Ellis teaches the method of claims 1 and 36, wherein at least one of the first system and the second system comprises a personal computer based media processing system (¶82).

Regarding claims 8 and 43, Ellis teaches the method of claims 1 and 36; wherein at least one of the first system and the second system comprises a television based media processing system (¶82).

Regarding claims 9 and 44, Ellis teaches the method of claims 1 and 36 wherein the first system comprises a server of a media provider (Fig. 2b, wherein the remote access device communicate to the user television equipment through the distribution facility).

Regarding claims 10 and 45, Ellis teaches the method of claims 1 and 36 wherein the first system comprises a server of a service provider (Fig. 6a, wherein the remote access device access the user equipment through the internet service system).

Regarding claims 12 and 47, Hino teaches the method of claims 1 and 36 wherein the establishing the communication link is initiated by the first system (¶100).

Regarding claims 13 and 48, Ellis teaches the method of claims 1 and 32, wherein the establishing the communication link is initiated via a telephone call (¶93).

Regarding claims 14 and 49, Ellis teaches the method of claims 1 and 36 wherein the establishing the communication link is initiated via a web site (¶101).

Claims 2 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Krzyzanowki (2004/0003051).

Regarding claims 2 and 37, Ellis teaches the method of claims 1 and 36 and media peripherals (¶107).

Ellis does not explicitly indicate wherein the at least one media peripheral comprises one of a digital camera, a personal computer, a digital camcorder, a MP3 player, a mobile multi-media gateway, a home juke-box, and a personal digital assistant.

Krzyzanowski teaches a home appliance gateway (Paragraph 34) that includes one of a digital camera, a personal computer, a digital camcorder, a MP3 player, a mobile multi-media gateway, a home juke-box, and a personal digital assistant (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the many other devices controlled in Krzyanowski in order to expand the variety of devices that can be remotely controlled in Ellis.

Claims 11 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Daum (6665384).

Regarding claims 11 and 46, Hino teaches the method of claims 1 and 36.

Ellis does not explicitly indicate wherein the first system comprises a server of a peripheral manufacturer.

Daum teaches a remote control of appliances that includes the controlling party being the manufacturer (Column 2, lines 25 – 36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daum's teaching of allowing the manufacturer to control the devices in Ellis, in order to take advantage of any support and monitoring the manufacturing provides for home items.

Response to Arguments

Applicant's arguments filed September 12, 2008 have been fully considered but they are not persuasive.

The applicant argues that Ellis does not disclose creating a user defined schedule using the television and pushing the media to the second location. The examiner disagrees, in paragraph 99-100 of the reference, Ellis teaches using the first device to setup on the second device program guide features such as video recordings, parental controls, and favorites. These features allow the first computer to create a schedule of media that the peripheral can record or allow to be displayed. The applicant further argues that these limitation amount to "creating a media lineup," but that idea is not clearly located in the claim. It only indicates creating a schedule and pushing media to a second peripheral based on the schedule. The idea of scheduling a VCR to record a certain station at a certain time reads on this limitation.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN BATES whose telephone number is (571)272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin Bates/
Primary Examiner, Art Unit 2153